

UNITED STATES DISTRICT COURT

Jury demand date: ~~8-2-73~~ by ~~Pltf.~~ waived

5-13-74

D. C. Form No. 106A Rev.

Pltf. 10-20-75

TITLE OF CASE

ATTORNEYS

N. J. and K. L. DIEFFENBACH,
vs.
THE UNITED STATES OF AMERICA

For plaintiff:

~~E. John Eagleton~~~~Kothe and Eagleton, Inc.~~~~204 Philtower Bldg.~~~~Tulsa, Oklahoma 74103~~

N. J. and K. L. Dieffenbach

1235 South Newport

Tulsa, Okla. 74120

Gilbert E. Andrews (appellate counsel)
Dept. of Justice
Washington D. C. 20530

For defendant:

Nathan G. Graham

~~Reverend J. Grabkowski, Tax Division~~~~Department of Justice~~~~Washington, D. C. 20530~~

Wm. W. Guild
Atty. in charge
Dallas Field Office
Dept. of Justice, Tax Div.
Room 8B37, 1100 Commerce St.
Dallas, Texas 75202
(214-749-1251)

Mr. Lynn Ross, Jr.
Tax Division
Room 8-E2
Department of Justice
1100 Commerce Street
Dallas, TX 75202

214-749-1251

STATISTICAL RECORD

COSTS

DATE

NAME OR
RECEIPT NO.

REC.

DISB.

J.S. 5 mailed 9-1-73

Clerk

8-2-73 Eagleton
8-9-73 C.D.No.2

15.00

15 00

J.S. 6 mailed 2-1-74

Marshal

Basis of Action:

recovery of income tax

Docket fee

Witness fees

Action arose at:

Depositions

DATE	PROCEEDINGS	Date Order or Judgment Noted
8-2-73	Complaint filed, summons issued. jj	
8-2-73	U.S. Marshal service returned and filed. ^{summons & complaint upon} Served/U.S. Atty and mailed two copies to Atty. Gen., Washington, D.C., 8-2-73. (US Mar. fee \$3.00)jj	
10-1-73	<u>Answer</u> of the Deft., U.S.A., filed. v	
10-10-73	Case set for pre-trial hearing before Magistrate 10-24-73 at 9:30 a.m. (LB-J)hm	
10-23-73	Case stricken from pre-trial hearing, to be reset. (MLB-Mag)hm	
10-29-73	Defendant's interrogatories to plaintiffs, filed. ds	
11-26-73	Case set for pre-trial hearing 12-10-73 at 1:30 p.m. (LB-J)hm	
11-28-73	Notice to take deposition of N. J. Dieffenbach, filed by USA. g	
11-30-73	Answers to Defendant's Interrogatories to Plaintiffs, filed. a	
12-10-73	Pre-trial hearing held. Statements made. Case to be tried to a jury unless pltf. waives jury in pre-trial order, which pltf. is to file by 12-26-73. Case set for jury trial Jan. 21, 1974, at 9:30 a.m. (put last on docket) (LB_J)hm	
12-28-73	Pltfs' application for continuance, filed. hm <i>orig to juo</i>	
1-4-74	Order, filed (part of application) continuing case from jury trial of 1-21-74 until next jury term. (LB-J)hm (copies mailed)	
4-22-74	MO: It is ordered that this case is set for Jury Trial on Mon., May 13, 1974 at 9:30 a.m. (LB-J)e	
5-1-74	Pretrial order, filed. (LB-J)hm	
5-13-74	Case called for Jury trial. Parties rep. Parties announce proposed settlement. Ct. strikes case granting parties 90 days to perfect settlement. Parties agree to waive jury trial, henceforth. (LB-J)v	
3-4-75	MO: ORDERED BY THE COURT that this case is set on the DISPOSITION DOCKET of 3-25-75 at 9:00 A.M. (LB-J)v -notices mld.	
3-19-75	Motion of John Eagleton to withdraw as counsel for pltf., filed. rm <i>orig to j.</i>	
3-24-75	Defendant's opposition to motion for leave to withdraw as counsel, filed. g	
3-24-75	Mo/def. to enforce settlement & dismiss pltf. complaint, filed. g	
3-24-75	Memorandum in support of defendant's motion to enforce settlement agreement and to dismiss plaintiffs' complaint, filed. g	
3-25-75	Hearing held on pending motions. Pltf. present in person and with counsel. Def. rep. by Lynn Ross. Pltf. announces he is agreeable to withdrawal. <u>Order granting withdrawal signed and filed in open court.</u> Statements made on motion enforce settlement and to dismiss. Court takes motions under advisement and may set at later date for hearing. (LB-J)rm	
6-20-75	Defendant's 2nd Motion to Enforce Settlement Agreement and to Dismiss Plaintiffs' Complaint, filed. mm	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>73-C-250</u>
N. J. AND K. L. DIEFFENBACH		UNITED STATES OF AMERICA	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
6-20-75		Memorandum in Support of Defendant's Motion to Enforce Settlement Agreement and to Dismiss Plaintiffs' Complaint, filed. mm	
7-9-75		Affidavit of Lynn Ross, Jr., with exhibits, re deft's second mot. to enforce settlement agreement and to dismiss, filed. g	
7-16-75	MO:	Ordered by the Court that this case is set for hearing on def.'s motion to enforce settlement for Monday, July 28, 1975, in Courtroom No. II, at 9:30 a.m. in <u>Oklahoma City</u> . (LB-J)rm - notices	
7-28-75	MO:	Ordered by the Ct. that case is set for further hearing on def. motion to enforce settlement for Monday, August 4, 1975, at 9:30 a.m., in Tulsa, Okla.(LB-J)rm-notices	
7-28-75	M:	Hearing held in Okla. City on def. mo/enforce settlement. Pltf. appeared pro se; def. rep. by Lynn Ross. After argument, Ct. sets matter for further hearing in Tulsa for 8/4/75 at 9:30 a.m.(LB-J)rm (Bud Bailey-Ct.room deputy)	
8-4-75	MO:	Upon request of pltf., due to his illness, case is stricken from hearing of 8/4/75, to be reset by the Court.(LB-J)rm	
8-11-75		Order, filed, that case be set on next jury docket; if pltf. not ready, case will be dismissed; if def. not ready, judg. will be entered in favor of pltf.(LB-J)rm-copies mailed	
10-1-75		Entry of appearance by Wm. Guild as addl. atty for USA, filed. rm	
10-1-75	MO:	Case set for non-jury trial and disposition for 9:30 a.m., Wednesday, 11/5/75. (LB-J)rm-notices	
10-6-75		Letter, filed, 10/2/75, from LB to def. directing them to respond to proposed Amended Complaint of pltf. and denying pltf. request for jury trial. (LB-J)rm	
10-15-75		Order, filed, denying pltf's request to amend complaint. (LB-J)g <i>7/28</i>	
10-20-75		Letter of 10-15-75, Diefenbach to Judge Bohanon, with request for jury trial, filed. g	
11-5-75	MO:	Further pre-trial conference held in chambers. Pltf. appearing in person (pro se); def. rep. by Lynn Ross. Def. directed to prepare and submit proposed pre-trial order within 5 days to pltf. Pltf. has 5 days thereafter to accept or reject, in writing, with objs. Case to be set on jury docket.(LB-J)rm	
11-21		Letter from LB to Dieffenbach, filed, re difference on pre-trial order; that case will be tried at next jury docket.(LB-J)rm	
11-21		Notice by def. of intent to use criminal evidence against pltf. at time of trial, filed. rm	
11-28		Letter of 11-24-75, Dieffenbach to Judge Bohanon re pretrial order, filed. g	
12-16		Defendant's trial brief, filed. g	
12-18	MO:	Case set for jury trial for 9:30 a.m., 1/19/76.(LB-J)rm-notices md	
1-12-76		Subpoenae, ret. & filed: served J. D. Walker, Geo. R. Lempera, Wilson V. Glass, J. A. Swinney, James Duval, John Eagleton, Ed L. Potter, and John Shupert, all in Tulsa, Ok. on 1-8-76.(USM \$18.32)g	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>73-C-250</u>
			PAGE <u>4</u> OF <u>2</u> PAGES
DATE	NR.	PROCEEDINGS	
<u>1976</u>			
1-14		Subpoena, ret & filed: Served Price A. Fifer at Tulsa, OK, on 1-13-76; served Herman Matles at Tulsa, Oklahoma on 1-13-76. (USM \$8.60)ph	
1-16		Letter, filed, from pltf. to def. objecting to def. requested jury instructions. rm	
1-16		List of pltf. witnesses, filed. rm	
1-16		Affidavit of Joe Gennet, filed. rm	
1-16		Affidavit of D. H. Ewing, filed. rm	
1-16		Affidavit of Frank Henke, filed. rm	
1-16		Affidavit of Walt Logan, filed. rm	
1-16		Affidavit of Harley J. Dossey, filed. rm	
1-16		Affidavit of Jack B. Logan, filed. rm	
1-16		Affidavit of Kathy Einsporn, filed. rm	
1-16		Affidavit of Bettie McKittrick (unsigned), filed. rm	
1-19		Subpoena, ret & filed: Served Homer Harris. (USM \$14.52)ph	
1-19		Subpoena, ret & filed: Served Joe R. Moody (USM \$3.20)ph	
1-19		Jury trial held. Pltf. appearing pro se; def. rep. by Lynn Ross. Jury empaneled and sworn. Rule invoked. Pltf. makes opening statement and presents case in chief w/testimony of witnesses and admission of exhibits. After pltf. rests, def. moves for directed verdict and Ct. takes under advisement. Deft. presents case in chief w/testimony of witnesses and admission of exhibits. Deft. files motion for directed verdict at close of evidence; motion granted by Court. Def. directed to prepare proposed Order within 10 days; with Ct. to enter formal order. Jury discharged at 4:15 p.m. (LB-J)rm (F.Sickles-CR)	
1-19		Def. requested jury instructions, filed in open court. rm	
1-19		Def. mo/directed verdict at close of pltf. evidence, filed in open court. rm	
1-19		Def. mo/directed verdict at close of all evidence, filed in open court. rm	
1-19		Plaintiff and Defendant Trial Exhibits, filed. rm	
1-22		Obj. of Pltf. to Deft's jury instructions, filed. ph	
1-27		Findings of Fact and Conclusions of Law, filed. (LB-J)ph cps mld	
1-27		Judgment, filed & entered, ^{that} pltf's complt. and prayer for money judgment be denied and that judgment is rendered in favor of the deft. USA and that pltf's. shall pay the costs. (LB-J)ph cps mld	
1-28		Pltf's mo. for new trial, filed. ph	
2-3		Order denying motion for new trial, filed and entered. (LB-J)rm copies mailed	
3-15		Notice of appeal by pltf's. from judg. of 1/27/76, filed. rm (copies to counsel and USCA)	
3-16		Bond for costs on appeal (\$250.00) cash, filed. rm	
4-15		Appeal record (2 vols.) sent to USCA. g	
6-4		Clerk's copy of transcript of trial proceedings, had on 1/19/76, filed. (F. Sickles - CR)rm To LB	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>73-C-250</u>
Dieffenbach		USA	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
7-22-76		Reporter's transcript of trial proceedings had on 1/19/76, filed. (Frank Sickles-CR)rm	
7-22-76		Motion of def. USA to suppl. record on appeal, filed. rm <i>to LB</i>	
7-26		Order, filed, granting def. mo/to suppl. record on appeal. (LB-J)rm copies mailed	
7-26		Supplemental appeal Vol. 1 (transcript of trial proceedings) trans= mitted to USCA. rm	
4-8-77		Mandate and Opinion of USCA, filed and spread of record, affirming Court's decision of 1/27/76 and 2/38/76. rm	
4-8-77		Statement of costs from 10th Circuit, filed, that costs be taxed in favor of USA and against pltf. Dieffenbach in amt. of \$81.80.rm	
4-11		Original appeal record (2 vols. and 1 suppl vol) received from USCA.rm	
7-17		ORDER for return of \$250 cash appeal bond to pltf. (LB-J)rm	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
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DATE	NR.	PROCEEDINGS
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